

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

<b>SUMMIT FINANCIAL RESOURCES L.P.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>BIG DOG ENTERPRISES LOGISTICS,</b>	)	
<b>LLC, d/b/a FREIGHT HAULING</b>	)	<b>Case No. 07-CV-0187-MJR-CJP</b>
<b>LOGISTICS, THE HURSEY GROUP, LLC,</b>	)	
<b>AGED ASSETS, LLC, COMMERCIAL</b>	)	<b>CONSOLIDATED WITH</b>
<b>PROPERTY MANAGEMENT, LLC,</b>	)	
<b>HURSEY TECHNOLOGY, LLC, DAVID</b>	)	<b>Case No. 07-CV-0361-MJR-CJP</b>
<b>HURSEY, SUSAN HURSEY, and</b>	)	
<b>PEERLESS-PREMIER APPLIANCE CO.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	
<hr style="width: 30%; margin-left: 0;"/>	)	
<b>PEERLESS PREMIER APPLIANCE CO.,</b>	)	
	)	
<b>Counterclaim/Interpleader Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>SUMMIT FINANCIAL RESOURCES L.P.,</b>	)	
	)	
<b>Counterclaim/Interpleader Defendant.</b>	)	
<hr style="width: 30%; margin-left: 0;"/>	)	
<b>PEERLESS PREMIER APPLIANCE CO.,</b>	)	
	)	
<b>Cross-claim/Interpleader Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>BIG DOG ENTERPRISES LOGISTICS,</b>	)	
<b>LLC, d/b/a FREIGHT HAULING</b>	)	
<b>LOGISTICS,</b>	)	
<b>And</b>	)	
<b>SCHNEIDER NATIONAL CARRIERS,</b>	)	
	)	
<b>Cross-Claim/Interpleader Defendants.</b>		

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

On July 17, 2009, Schneider National Carriers filed a motion to dismiss its remaining claims against Big Dog Enterprises Logistics, LLC (Doc. 399). Schneider also seeks to amend its

counterclaim to limit the damages sought against Peerless Premier Appliance Co. **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2)** provides that where the defendant has answered the complaint or filed a motion for summary judgment, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.”

Having fully considered Schneider’s filing, the Court hereby **GRANTS** the motion to dismiss (Doc. 399) and **DISMISSES** Schneider’s claims against Big Dog **without prejudice**. However, the Court **DENIES** the motion to amend Schneider’s counterclaim, as it appears to be unnecessary given that the parties have reached a settlement as to damages.

**IT IS SO ORDERED.**

**DATED this 21st day of July 2009.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**